

Claimant had worked for respondent back in 2002 and had begun to have problems with her hands for which she had sought medical treatment. Her condition was not diagnosed and her employment with respondent was terminated in a seasonal layoff. Claimant then began employment with Langley Recycling (Langley). She testified she did not have any problems with her hands while working for Langley. Claimant was a metal shop supervisor for Langley.

Claimant returned to work for Josten's on May 2, 2005, and only worked a couple of weeks. But she was working 10-hour shifts, 6 days a week. Claimant's job was running a sewing machine which included grabbing stacks of books to load the machine and then removing the books. After the fourth day, claimant began having problems with shooting pain in her hands up to her shoulder as well as tingling and numbness at night. Claimant testified her symptoms in her hands were much worse than before.

On May 12, 2005, claimant was having problems with her hands so she advised the group leader and left work at mid shift. Claimant called the respondent during her shift to confirm that the group leader had advised her supervisor of the claimant's hand problems. She had to leave two messages on the answering machine. This was the last day the claimant worked for the respondent.

Claimant was seen by Dr. Natalie A. Griego at the St. Francis emergency room. The doctor diagnosed the claimant with bilateral wrist tendonitis and recommended that for the next 3 to 4 weeks the claimant continuously wear wrist splints except for showering. Claimant testified she told the doctor that she did not have an accident because she did not consider or understand repetitive work activities to be an accident. Dr. Griego referred the claimant to Dr. Baraban.

The history provided Dr. Baraban indicated claimant had suffered difficulties with her hands for months. Claimant testified that she was referring to her prior episode of problems back in 2002. Dr. Baraban's medical note does indicate that claimant's symptoms improved but when she returned to work for respondent her hand symptoms reoccurred.

It is well settled in this state that an accidental injury is compensable even where the accident only serves to aggravate or accelerate an existing disease or intensifies the affliction.¹ The test is not whether the job-related activity or injury caused the condition but whether the job-related activity or injury aggravated or accelerated the condition.²

¹ *Harris v. Cessna Aircraft Co.*, 9 Kan. App. 2d 334, 678 P.2d 178 (1984); *Demars v. Rickel Manufacturing Corporation*, 223 Kan. 374, 573 P.2d 1036 (1978); *Chinn v. Gay & Taylor, Inc.*, 219 Kan. 196, 547 P.2d 751 (1976).

² *Hanson v. Logan U.S.D.* 326, 28 Kan. App.2d 92, 11 P.3d 1184, *rev. denied* 270 Kan. 898 (2001); *Woodward v. Beech Aircraft Corp.*, 24 Kan. App.2d 510, 949 P.2d 1149 (1997).

Respondent argues claimant did not work a sufficient time period for her work activities to have caused her alleged carpal tunnel condition. As previously noted, the test is not whether the work-related activity caused the condition but whether the activity aggravated or accelerated the condition.

Respondent next argues there is no medical evidence that claimant's condition was causally related to her work for respondent. Claimant's testimony alone is sufficient evidence of the claimant's physical condition.³ Medical evidence is not essential to the establishment of the existence, nature and extent of an injured worker's disability.⁴ Claimant testified she experienced bilateral hand problems after she had performed her repetitive work activities for respondent for four days. The Board is persuaded that for the purposes of preliminary hearing, claimant's testimony establishes the causal relationship between her work activities for respondent and her bilateral hand problems.

In summary, the evidence establishes that claimant had some problems with her hands when she had worked for respondent a few years earlier. She then worked elsewhere and the condition in her hands improved. When claimant returned to work for respondent performing repetitive hand intensive work 10 hours a day, 6 days a week she developed bilateral hand pain. The claimant has met her burden of proof that her work with respondent, at a minimum, aggravated a preexisting condition. Accordingly, the Board affirms the ALJ's finding claimant suffered accidental injury arising out of and in the course of her employment with respondent.

WHEREFORE, it is the finding of the Board that the Order of Administrative Law Judge Brad E. Avery dated August 5, 2005, is affirmed.

IT IS SO ORDERED.

Dated this _____ day of October 2005.

BOARD MEMBER

c: George Pearson, Attorney for Claimant
Christopher M. Crank, Attorney for Respondent and its Insurance Carrier
Brad E. Avery, Administrative Law Judge
Paula S. Greathouse, Workers Compensation Director

³ *Hanson v. Logan U.S.D.* 326, 28 Kan. App.2d 92.

⁴ *Chinn v. Gay & Taylor, Inc.*, 219 Kan. 196.